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OCT 04 2005

In re Application of
Köster, et al.
Application No. 09/484,484
Filed: January 18, 2000
Atty. Dkt. No.: 24743-2300

: **OFFICE OF PETITIONS**
: DECISION ON APPLICATION FOR
: PATENT TERM ADJUSTMENT
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This is a decision on the "RETITION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §1.705(b)" filed September 2, 2005.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN**.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 449 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request that the Determination of Patent Term Adjustment be corrected from zero days as indicated on the Determination of Patent Term Adjustment mailed June 3, 2005 to an adjustment of 450 days.

A review of the application history reveals under 37 CFR 1.702(a)(1), an adjustment of 18 days can be attributed to the Office for failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed. The adjustment began March 19, 2001, the day after the date that is 14 months after the date that the application was filed, and ended July 16, 2002, the date the non-final Office action was mailed. See, 37 CFR 1.703(a)(1).

A further adjustment of 570 days under 37 CFR 1.702(a)(2) can be attributed to the Office for failure to respond within four months to applicants' response submitted July 11, 2003. The adjustment began November 12, 2003, the day after the date that is four months after the date that applicants' response to the

non-final Office action was filed, and ended June 3, 2005 the date that the Notice of Allowance was mailed.

The adjustment totaling 588 days can be reduced 92 days for applicants' failure to engage in reasonable efforts to conclude prosecution under 37 CFR 1.704(b). The reduction began November 29, 2001, the day after the date that is three months after the date that the Office communication was mailed, and ended February 28, 2002, the date applicants' submitted a response.

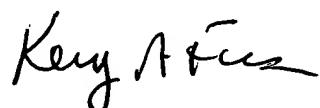
The adjustment totaling 588 days is further reduced 47 days in connection with the supplemental response submitted April 16, 2002. See, 37 CFR 1.704(c)(8). The reduction began March 1, 2002, the day after the date that the initial response was filed, and ended April 16, 2002, the date the supplemental response was filed.

Accordingly, at the time of allowance, the application was entitled to an adjustment of 588 days for Office delays. The adjustment of 588 days is properly reduced 139 days for applicants' failure to engage in reasonable efforts to conclude prosecution, resulting in an overall adjustment at the time of allowance of 449 days.

Receipt of the required application fee of \$200.00 is hereby acknowledged.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation